

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, et al.,)	
)	
Plaintiffs,)	
v.)	No. 1:23-cv-00108-LMB-JFA
)	
GOOGLE LLC,)	
)	
Defendant.)	

[PROPOSED] ORDER

Upon consideration of Plaintiffs’ Motion for Interim Modifications to the Discovery Order Due to Google’s Non-Compliance with Discovery Deadlines, the Court hereby

FINDS that (1) Google failed to take appropriate steps to meet the court-ordered discovery deadlines in this case; (2) Plaintiffs have been prejudiced by Google’s conduct; and (3) modifications of the discovery plan are appropriate.

Accordingly, for good cause shown, it is hereby ORDERED that:

1. Google shall submit a sworn Declaration by knowledgeable person(s) explaining: (a) how these discovery mistakes occurred; (b) the extent to which these discovery mistakes are similar to the discovery mistakes made in the *Search Litigation*; (c) when Google first learned about these issues; and (d) what steps Google has taken to ensure that these issues will not persist and that all nonprivileged relevant documents have been collected, reviewed and produced;
2. Google shall complete its document production expeditiously;
3. Plaintiffs’ right to ask the Court for further appropriate discovery plan modifications, sanctions, or other relief, after the full scope of Google’s discovery violations has been determined are reserved;

4. Plaintiffs are allowed to depose four new Google witnesses given the prejudice arising from Plaintiffs' use of four Google party depositions based on incomplete information;
5. Plaintiffs are permitted to reopen depositions of the four Google witnesses whose depositions have been taken if additional documents concerning those witnesses are produced;
6. Plaintiffs are allowed to withdraw, at Plaintiffs' discretion, deposition notices to the five remaining Google deponents, and issue new deposition notices to up to five other Google deponents, based on the information contained in the newly-produced documents;
7. Google is required to seat deponents for depositions within 10 business days of any new deposition notice;
8. Google is required to present their witnesses for deposition in or near the Eastern District of Virginia or other location convenient to Plaintiffs;
9. Google is required to provide written verification for each noticed deponent that the deponent's documents have been loaded and reviewed, and responsive, nonprivileged documents concerning those witnesses be produced within five business days of the deponent's deposition;
10. the period of "Coordinated Discovery" under the Discovery Coordination Order issued by this Court be extended in so far as it relates to depositions of Google witnesses, such that any depositions taken by the MDL Plaintiffs prior to the revised fact discovery cutoff in this action, be treated as if they were taken in this case. Par. 3 of Coordination Order;
11. Fact discovery is not otherwise extended and Google is prohibited from issuing new discovery requests to Plaintiffs or any third party; and

12. To the extent that review of Google's new document productions reveals new information concerning relevant third-party witnesses, Plaintiffs be allowed to seek, for good cause shown, additional third-party depositions by Plaintiffs; and
13. To ensure Plaintiffs' experts have sufficient time to consider evidence produced by Google and incorporate relevant evidence and Google deposition testimony into their reports, the upcoming expert discovery deadlines in this case will be adjusted once the Court and the Parties have more information about the scope of the document production issue and the timeline for Google's production of relevant documents.

So Ordered.

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DATE: _____